

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CV-631-DCK**

M.E. STORES PROPERTY, LLC,

Plaintiff,

v.

**EPCON NANTZ ROAD, LLC, EPCON
COMMUNITIES, LLC, EPCON
COMMUNITIES CAROLINAS, INC., and
W. M. WARR & SONS INC,**

Defendants.

ORDER

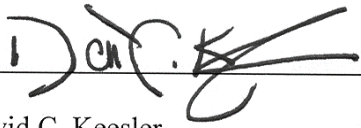
THIS MATTER IS BEFORE THE COURT on “Epcon Defendants’ Motion For Remand” (Document No. 21) filed March 1, 2021. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is ripe for disposition. Having carefully considered the motion and the record, the undersigned will grant the motion.

On December 23, 2020, Plaintiff M.E. Stores Property, LLC (“Plaintiff”) filed a “First Amended Complaint” (Document No. 11), adding W.M. Warr & Sons, Inc. as an additional defendant. According to the pending motion, “W.M. Warr & Sons, Inc. is a North Carolina Corporation with its principal place of business, registered agent and mailing address all being in Mecklenburg County, North Carolina.” (Document No. 21, p. 2). Plaintiff is a resident of North Carolina, too, and thus, complete diversity no longer exists, an essential prerequisite to this Court exercising diversity jurisdiction under 28 U.S.C. § 1332. Id. at p. 3; see Mayes v. Rapoport, 198 F.3d 457, 461 (4th Cir. 1999). All parties to this case consent to the pending motion. (Document No. 21, p. 3). The undersigned therefore concludes that this case shall be remanded pursuant to 28 U.S.C. § 1447(c) for lack of subject-matter jurisdiction.

IT IS, THEREFORE, ORDERED that “Epcon Defendants’ Motion For Remand” (Document No. 21) is **GRANTED**. This matter shall be remanded to the Superior Court of Mecklenburg County, North Carolina.

SO ORDERED.

Signed: March 26, 2021



David C. Keesler
United States Magistrate Judge

